

To:

The Honorable Mayor and City Council

From:

Maxine Calloway Est. A.I.C.P., Director of Community Planning & Development

Date:

May 8th, 2012

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT AND SALE OF A SECTION OF NORTHEAST 17TH AVENUE, LOCATED BETWEEN NORTHEAST 126TH STREET AND NORTHEAST 127TH STREET, AND THE CLOSURE OF A SECTION OF NORTHEAST 17TH AVENUE, LOCATED BETWEEN NORTHEAST 127TH STREET AND NORTHEAST 130TH STREET; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF SAID SECTION OF PUBLIC LAND AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAME; PROVIDING FOR EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

RECOMMENDATION

Staff is recommending approval of the Resolution, with conditions, for the abandonment and sale of a segment of Northeast 17th Avenue, between Northeast 126th Street and Northeast 127th Street, and the closure of a segment of Northeast 17th Avenue, located between Northeast 127th Street and Northeast 130th Street.

PLANNING COMMISSION RECOMMENDATION

At its meeting on May 1, 2012 the Planning Commission reviewed and discussed the proposed resolution for the subject right of way abandonment. There was significant discussion during the public hearing regarding the proposed abandonment with several members of the public expressing concerns regarding the impacts on traffic and the perception of improper noticing. However staff explained that notices were sent to property owners within a 600 ft radius of the subject segment inviting interested parties to attend the meeting. With regard to traffic staff advised that the applicant submitted a traffic study which was reviewed by the City's contract engineer (Kittleson & Associate) who identified no adverse traffic impacts based on their analysis of the data. However there were also many members of the public who spoke in favor of the item and agreed that it would increase pedestrian safety and add much needed landscaping to buffer the unsightly conditions of the neighboring shopping center. The Commission also agreed that the abandonment request provides a fiscal benefit to the City since the applicant has agreed to compensate the City for the appraised value of the proposed right of way segment (appraised at \$66,000). As such, the Commission rendered a vote of 5-1 recommending approval of the proposed resolution along with the conditions outlined in this report. The one (1) dissenting vote was cast by Commissioner Harwitz.



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BACKGROUND

Section 1013.30, Florida Statutes requires that each university prepare and adopt a campus master plan every five years that identifies general land uses and outlines the goals, objectives and policies of the university during the succeeding 10 to 20 years. As such, on April 26th, 2005, the City Council approved and adopted the Johnson & Wales University (JWU) Master Campus Development Plan with projections for anticipated student enrollment out to 2015, in accordance with the requirements of Florida Statutes, Section 1013.30.

Johnson & Wales University subsequently revised the master plan in 2006 to include a proposed pedestrian mall along N.E. 125th Street, between N.E. 17th Avenue and Biscayne Boulevard (identified as location 26 on the attached master plan exhibit). Additionally, in 2010 JWU administratively amended their master plan to relocate the 35,000 square feet Wildcat Student Activity Center from Arch Creek Field to its current location at the northwest corner of NE 126 St and NE 17th Avenue (identified as location 27 on the attached master plan exhibit).

On October 25, 2011, the Mayor and City Council passed Resolution R-2011-142 approving an amendment to the JWU Master Campus Development Plan which included the proposed abandonment and closure of portions of Northeast 17th Avenue, in order to create a more pedestrian friendly campus environment to improve the safety and welfare of students, faculty and campus visitors (identified as location 29 and 30 on the attached master plan exhibit). The approved 2011 amended master plan was conditioned on formal applications being filed for both the abandonment and the closure which is the basis of this Resolution.

CURRENT REQUEST

On March 19, 2012 JWU filed an application with the Community Planning & Development Department, requesting the vacation and abandonment of the aforementioned roadway consistent with the requirements of Article 3, Division 9 of the City's Land Development Regulations ("LDRs"). If approved the City would release ownership and seek compensation for the abandoned portion of NE 17th Avenue between NE 126 St and NE 127th Street. The subject roadway segment proposed for abandonment is approximately 13,287 square feet (or 0.305 acres) in size and is appraised at \$66,000. Additionally, if approved the current request would grant limited pedestrian access for the segment of NE 17th Avenue between NE 127th Street to NE 130th Street.

STAFF ANALYSIS

Section 3-903 of the City's Land Development Regulations requires that all requests for street abandonment meet the following minimum criteria:

Provides some benefit to the public health, safety, welfare or convenience, but the overall benefit



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anticipated to result from the vacation or abandonment outweighs the specific benefit derived from the non fee property interest, in that:

a. The purpose of the interest sought to be vacated or abandoned will be adequately and appropriately served in an alternative manner when the interest is vacated or abandoned;

Staff reviewed the traffic analysis of the proposed abandonment and street closure and found that although the right of way is currently used as a local collector street, providing some convenience to the general public, there are alternate routes that will allow satisfactory access to local businesses and nearby residential uses. If abandoned the University envisions the roadway segment serving as a pedestrian corridor that connects the east and west side of the campus with adequate landscaping along NE 17th Avenue (north of NE 127th Street) to create a more defined edge between the more intense Commercial use (Publix Shopping Center) on the east with the less intense educations use (Johnson Wales) on the west.

b. The vacation or abandonment will not compromise the delivery of emergency services;

As reference on the attached site plan, the applicant has proposed the installation of removable bollards at the subject abandonment area in order to allow access to emergency vehicles if need be. The City's Police staff reviewed the proposed site plan and does not believe the current request would compromise emergency services. Miami Dade Fire Department has also reviewed the proposed abandonment and had not raised objections to the current request.

c. The vacation or abandonment will not compromise pedestrian or vehicular safety;

The applicant submitted a traffic impact analysis which was forwarded to the City's contract engineer, Kittleson & Associates Inc, (KAI) for review and comment consistent with the conditions of approval for the recently adopted amendment to the JWU Master Plan. Based on their review, KAI issued a letter of no objection to the proposed street abandonment with the following recommendations:

"KAI recommends the closure move forward contingent upon replacing the existing access to the 127 Street Shopping Center (which includes a Publix, GNC and other commercial and service businesses from NE 17th Avenue, with an additional median opening on NE 127th Street at the driveway located just east of the 17th Avenue/NE 127th Street intersection leading into the Bay Imaging Group.

Furthermore, it is recommended that the current median opening along NE 127th Street located just west of Biscayne Boulevard be maintained for access into the Publix shopping center."



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d. The vacation or abandonment will not interfere with solid waste removal services;

Public works staff has confirmed that the proposed request will not interfere with solid waste removal services.

e. The vacation or abandonment will not frustrate any comprehensive plan, special purpose plan or capital improvement program of the city;

If approved the current request would limit vehicular traffic on the most intensely used pedestrian corridor within the JWU campus boundary. As a Transportation Concurrency Exemption Area staff believes the proposed street abandonment and closure request is in keeping with the City's Comprehensive Plan transportation vision, particularly Objective 2a.6 which requires that the City "increase the amount of pedestrian activity on streets within the TCEA by providing adequate facilities to promote a pedestrian environment." Additionally, Policy 1.12.12 requires that "All redevelopment shall be sensitive to the community character enhancement, specifically transit and pedestrian friendliness. Interconnected sidewalks, shade trees, awnings, canopies or other shading devices are paramount."

f. The vacation or abandonment will not interfere with any planning effort of the city that is underway at the time of the application but is not yet completed; and

There are no planning efforts anticipated for the proposed roadway segment.

g. The vacation or abandonment will provide a material public benefit in terms of promoting development or redevelopment of abutting property, removing blighting influences or improving the city's long-term fiscal position.

Staff recognizes that Johnson & Wales University has made great strides in the redevelopment and overall improvement of that neighborhood by removing much of the unsightly slum and blight that once plagued that area. If approved the proposed segments will be enhanced with lush landscaping, street furniture and attractive brick pavers installed within the right of way.

h. The proposed vacation or abandonment will be accomplished in accordance with all applicable standards of local, state and federal authorities.

The roadway abandonment request is subject to review and approval by both City and County authorities.

i. The proposed vacation or abandonment will promote development or redevelopment that will maintain or enhance the character of the surrounding area.



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The proposed abandonment further implements the vision of the JWU Campus Master Plan and brings improvements to the neighborhood that will improve the overall aesthetics of the area.

CONCLUSION

Based on the information provided staff believes the current abandonment and street closure request satisfies the requirements of Section 3-903 of the City's Land Development Regulations and does not adversely impact the health, safety and welfare of north Miami residents. As such, staff recommends approval of the proposed resolution subject to the following conditions:

- That the applicant agrees to work with City Manager to finalize negotiations for the sale of the subject Right of Way not to be less than 90% of the appraised value consistent with the City's Charter.
- 2. That the City effectuates the conveyance by virtue of a Deed.
- 3. Comply with recommendation outlined by Kittleson & Associates Inc in their letter dated February 10, 2012 which requests an additional median opening on NE 127th Street at the driveway located just east of the 17th Avenue/NE 127th Street intersection (leading into the Bay Imaging Group).
- 4. Within 90 days of final Council approval the applicant shall submit proposed plans for the street closure to Miami-Dade County Public Works Department per Part III, Chapter 2, Article XIII, (Sec. 2-95.1.d) of the Miami-Dade County Code of Ordinances.
- 5. TECO Peoples Gas, the City's Public Works Department as well as AT&T have indicated that there are existing utilities located in the portion of the right of way proposed for abandonment. As such easements have been requested for the subject segment. Applicant must provide easements to provide for the continued occupation of the property by these utilities and the City in order to maintain uninterrupted service.
- 6. The applicant must provide final letter of no objection from FPL to determine potential impacts to their utilities and the need for an easement.

TWS: mc

Attachments:

- 1. Proposed Resolution
- 2. Exhibit A Legal sketch
- Letter of Intent

RESOLUTION NO.	
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A RESOLUTION OF THE MAYOR AND CITY COUNCIL THE CITY NORTH MIAMI, OF APPROVING THE VACATION, ABANDONMENT AND SALE OF A SECTION OF NORTHEAST 17TH AVENUE, LOCATED BETWEEN NORTHEAST 126TH STREET AND NORTHEAST 127TH STREET, AND THE CLOSURE OF A SECTION OF NORTHEAST 17TH AVENUE, LOCATED 127^{TH} **NORTHEAST** STREET **BETWEEN** NORTHEAST 130TH STREET; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF SAID SECTION OF PUBLIC LAND AND TO TAKE ALL TO **EFFECTUATE** NECESSARY STEPS PROVIDING FOR EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, on April 26, 2005, the Mayor and City Council of the City of North Miami ("City") approved and adopted the Johnson & Wales University ("JWU") Master Campus Development Plan in accordance with the requirements of Section 1013.30, Florida Statutes; and

WHEREAS, on October 25, 2011, the Mayor and City Council passed Resolution R-2011-142 approving an amendment to the JWU Master Campus Development Plan to include the proposed abandonment and closure of portions of Northeast 17th Avenue, in order to create a more pedestrian friendly campus environment to improve the safety and welfare of students, faculty and campus visitors; and

WHEREAS, consistent with the approved Master Campus Development Plan, JWU filed an application with the City on March 19, 2012, requesting the vacation and abandonment of Northeast 17th Avenue, for the section located between Northeast 126th Street and Northeast 127th Street, and for the closure of Northeast 17th Avenue, for the section located between Northeast 127th Street and Northeast 130th Street; and

WHEREAS, Article 3, Division 9 of the City's Land Development Regulations ("LDRs"), entitled "Vacation and Abandonment of Right of Way and Easements", provides a uniform procedure for the abandonment of real property interests of the City, applicable to City owed streets, alleys, easements and other fee or non-fee property interests; and

WHEREAS, pursuant to Sections 3-902 and 3-903 of the LDRs, the City is desirous of supporting vacation or abandonment requests that provide a benefit to the public's safety, welfare and convenience, while having a positive fiscal impact on the City; and

WHEREAS, City administration has reviewed the impact of the proposed vacation, abandonment, closure and sale of the subject portion of City property and found that, although the right of way is currently used as a local collector street providing some convenience to the general public, the overall benefit anticipated from the vacation and abandonment outweighs the specific benefit derived from the current use of the right of way and further implements the vision of the JWU Campus Master Development Plan; and

WHEREAS, the Planning Commission after a duly noticed public hearing held on May 1, 2012, reviewed the proposed abandonment application and found that the request is in harmony with the goals, objectives and policies of the Comprehensive Plan and meets the established standards of Article 3, Division 9 of the LDRs and recommended approval to the City Council; and

WHEREAS, the Mayor and City Council of the City of North Miami find the proposed vacation, abandonment, closure and sale of the subject property to be in the best interests of the City and thereby accept the Planning Commission's recommendation for approval.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Vacation, Abandonment, Closure and Sale of Right-Of-Way. The Mayor and Council of the City of North Miami, Florida, hereby approve the vacation, abandonment and sale of a section of Northeast 17th Avenue, located between Northeast 126th Street and Northeast 127th Street, and the closure of a section of Northeast 17th Avenue, located between Northeast 127th Street and Northeast 130th Street; further authorizing the City Manager to negotiate the sale of said section of public land and to take all necessary steps to effectuate same, as described in Exhibit "A".

Section 2. Authority of City Manager to Negotiate Sale of Right-Of-Way. The Mayor and Council of the City of North Miami, Florida, hereby authorize the City Manager to negotiate the sale of said section of public land and to take all necessary steps to effectuate same.

	ution shall become effective immediately upon
adoption.	
PASSED AND ADOPTED by a	vote of the Mayor and City Council of the
City of North Miami, Florida, this day of	May, 2012.
	ANDRE D. PIERRE, ESQ. MAYOR
ATTEST:	
MICHAEL A. ETIENNE, ESQ. CITY CLERK	
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:	
REGINE M. MONESTIME CITY ATTORNEY	
SPONSORED BY: CITY ADMINISTRATION	
	Moved by:
	Seconded by:
Vote:	
Mayor Andre D. Pierre, Esq. Vice Mayor Jean R. Marcellus Councilperson Michael R. Blynn, Esq. Councilperson Scott Galvin Councilperson Marie Erlande Steril	(Yes)(No)(Yes)(No)(Yes)(No)(Yes)(No)

PC-06-12 Attachment 4





March 16, 2012

Tanya Wilson City Planner City of North Miami 12400 NE 8 Avenue North Miami FL 33161

Re: Johnson & Wales University - Master Plan 2011

- Abandonment of Right of Way-NE17th Ave between NE 126th St & NE127th St
- Change in use to pedestrian only- NE 17th Ave between NE127th St & the south driveway of JWU parking garage

Dear Ms. Wilson:

Gallo Herbert Lebolo as agents to Johnson & Wales University updated the approved Campus Master Plan 2011 and part of the update/revision calls out for an abandonment of right of way along NE17th Avenue between NE 126th Street & NE127th Street and a change in use to pedestrian only along NE 17th Avenue between NE127th Street & the south driveway of JWU parking garage.

One of the conditions of approvals of the JWU Campus Master Plan 2011 update with respect to the referenced street vacation/change in use project was the review of the traffic impact analysis study performed by McMahon and Associates by the City's transportation consultant Kittelson & Associates, Inc. for which they have issued a letter of no objection to the closures with the following recommendations the we hereby by agreed to as follows:



- Provide new median opening on NE 127th Street at the driveway located just east of NE 17th Ave/NE 127th Street intersection leading into bay imaging group
- Maintain current median opening along NE 127th Street located just west of Biscayne Boulevard.

Having met the traffic impact analysis condition, we filed all the pertinent application and documentation for review by the Development Review Committee. After meeting all the requirements of the DRC and agreeing to all the stipulated conditions, we respectfully request to be placed on the agenda for the next scheduled Planning Commission meeting scheduled for April, 3 2012 and subsequently to be scheduled on the City Commission agenda scheduled for April 24, 2012.

As part of the application requirements, the following items have been enclosed as follows:

- check in the amount of \$2,750.00 as part of the required
- 2 sets 24" x 36" depicting the design intent inclusive of surveys
- 10 sets 11" x 17" depicting the design intent inclusive of surveys
- Letters of no objection by:
 - o Traffic Consultant
 - o TECO Gas
 - o AT&T
 - o FPL
- 2 sets of certified mailing labels consisting of property owners within 500' of the subject closures

If you require any additional information please do not hesitate to contact me at 954-464-7201





KITTELSON & ASSOCIATES, INTRANSPORTATION ENGINEERING / PLANNI

110 E Broward Boulevard, Suite 2410, Fort Lauderdale, FL 33301 P 954.828.1

MEMORANDUM

Date:

February 10, 2012

Project #: 11148

To:

Tanya Wilson-Sejour

Community Planning & Development Department City of North Miami, 12400 NE 8th Avenue

North Miami, FL 33161

From:

Mario Candia-Martinez, P.E.

Kittelson & Associates, Inc.

Subject:

Johnson and Wales University Traffic Study Review - KAI Final Recommendation

Dear Tanya,

Kittelson & Associates, Inc. (KAI) has no further objection to the closure of NE 17th Avenue as presented in the Johnson & Wales Traffic Impact Analysis.

Kittelson & Associates, Inc. recommends the closure move forward contingent upon replacing the existing access to the "127th Street Shopping Center" (which includes a Publix, GNC, and other commercial and service businesses) from NE 17th Avenue, with an additional median opening on NE 127th Street at the driveway located just east of the NE 17th Avenue/NE 127th Street intersection leading into the "Bay Imaging Group."

Furthermore, it is recommended that the current median opening along NE 127th Street located just west of Biscayne Boulevard be maintained for access into the Publix shopping center.

Should you have any further questions please feel free to contact us.

Sincerely,

Mario Candia-Martinez P.E.

Senior Engineer

Attachments:

Summary of comments and responses.

KAI Final Response to Comments for Johnson & Wales University Traffic Study

PRIMARY COMMENTS

Comment 1: Please identify the number of parking spaces that are available in the existing north campus garage and the number of vehicles that typically park in this garage. This information can be used to validate whether ITE Trip Generation rates are applicable for this study given the wide range of campuses surveyed for these formulas.

McMahon Associates Response:

All previous studies for the campus have been reviewed and approved by the City of North Miami using ITE trip generation rates. A trip generation study of the campus would be cost prohibitive given the size of the study area and the number of parking lots within the campus that service both academics, administration and dormitories.

Comment on Response:

Comment has been satisfactorily addressed.

Comment 2: The JWUFC Master Plan in Appendix A anticipates that the campus will expand south to NE 123rd Street. This street connects US 1 to I-95 (by way of a curvilinear connection from 123rd Street to 125th Street). Thus, as the campus expands to the south, the 123rd Street & NE 16th Avenue and 123rd Street & US 1 intersections will become major access points between vehicles generated off-campus and on-campus parking campus facilities. (Greater than 50% of campus traffic is projected to travel through these two intersections combined.) For this reason, it is recommended that peak hour levels of service at the 123rd Street & NE 16th Avenue and 123rd Street & US 1 intersections be analyzed for both the existing and future conditions.

McMahon Associates Response:

The subject intersections of the traffic impact study were determined at a meeting with City staff prior to commencing with the study

Comment on Response:

Comment has been satisfactorily addressed.

Comment 3: It appears Table 1 may not be presenting the highest 2011 traffic volume for the links listed, or values may have been placed in the incorrect row. Please refer to the following:

- US 1 from NE 123rd St to NE 127th Street AM is shown as 3,386. Traffic counts in Appendix B show a maximum value of 3,422 (North leg of 126th St & US 1)
- NE 126th Street from NE 16th Avenue to NE 17th Avenue AM is shown as 225. Traffic counts in Appendix B show a maximum value of 59 (East leg of 126th St & 16th Av)
- NE 126th Street from NE 16th Avenue to NE 17th Avenue PM is shown as 407. Traffic counts in Appendix B show a maximum value of 139 (East leg of 126th St & 16th Av)

- NE 127th Street from NE 16th Avenue to NE 17th Avenue AM is shown as 59. Traffic counts in Appendix B show a maximum value of 225 (West leg of 127th St & NE 17th Av)
- NE 127th Street from NE 16th Avenue to NE 17th Avenue PM is shown as 139. Traffic counts in Appendix B show a maximum value of 407 (West leg of 127th St & NE 17th Av)
- NE 127th Street from NE 17th Avenue to US 1 AM is shown as 162. Traffic counts in Appendix B show a maximum value of 101 (East leg of 127th St & NE 17th Av)
- NE 127th Street from NE 17th Avenue to US 1 PM is shown as 252. Traffic counts in Appendix B show a maximum value of 185 (East leg of 127th St & NE 17th Av)
- NE 16th Avenue from NE 127th St to NE 135th St AM is shown as 553. Traffic counts in Appendix B show a maximum value of 531 (North leg of 127th St & NE 16th Av)
- NE 16th Avenue from NE 127th St to NE 135th St PM is shown as 961. Traffic counts in Appendix B show a maximum value of 954 (North leg of 127th St & NE 16th Av)
- NE 17th Avenue from NE 123rd St to NE 127th St AM is shown as 151. Traffic counts in Appendix B show a maximum value of 156 (South leg of 126th St & NE 17th Av)
- NE 17th Avenue from NE 123rd St to NE 127th St PM is shown as 223. Traffic counts in Appendix B show a maximum value of 225 (South leg of 126th St & NE 17th Av)
- NE 17th Avenue from NE 127th St to NE 130th St AM is shown as 86. Traffic counts in Appendix B show a maximum value of 175 (North leg of 127th St & NE 17th Av)
- NE 17th Avenue from NE 127th St to NE 130th St PM is shown as 168. Traffic counts in Appendix B show a maximum value of 341 (North leg of 127th St & NE 17th Av)

McMahon Associates Response:

Tables 1 and 2 have been revised to show the correct traffic volumes.

Comment on Response:

Comment has been satisfactorily addressed.

Comment 4: Please update Tables 6 and 7 per Comment 3.

McMahon Associates Response:

Tables 1 and 2 have been revised to show the correct traffic volumes.

Comment on Response:

Comment has been satisfactorily addressed.

Comment 5: It can be expected that some traffic will use NE 16th Avenue southbound beyond NE 123rd Street to get to US 1. The current distribution shows 0% of traffic making this movement. It is recommended that part of the 17.26% that is distributed to the SSW be distributed onto this link, and it be included in Table 6.

McMahon Associates Response:

Figure 3 has been revised so that 10 percent of the traffic assigned to westbound NE 123rd Avenues has been assigned to NE 16th Avenue south of NE 123rd Avenue. This modification has no impact on the analysis results.

Comment on Response:

Comment has been satisfactorily addressed.

MINOR COMMENTS

Comment: Slight imbalance in traffic between NE 126th Street and NE 127th Street along NE 17th Avenue in the PM.

McMahon Associates Response:

Acknowledged. Although the raw data recorded a slight imbalance along NE between these two intersections, it has no impact on the outcome of the analysis.

Comment on Response:

Comment has been satisfactorily addressed.

Comment: Add signal symbol to the NE 130th Street & US-1 intersection

McMahon Associates Response:

Figure 1 and Figure 3 have been revised to show a traffic signal at the intersection of NE 130th Street and US-1.

Comment on Response:

Comment has been satisfactorily addressed.

Comment: Modify bullet for NE 126th & 16th Avenue intersection on Page 4 to show this is a signalized intersection.

McMahon Associates Response:

Page 4 has been revised to show the intersection of NE 126th Street and NE 16th Avenue as an existing signalized intersection.

Comment on Response:

Comment has been satisfactorily addressed.

Comment: In Tables 1 and 2, modify incorrect "Street" denominations to "Avenue" for NE 16th and NE 17th Avenues.

McMahon Associates Response:

Tables 1,2,6 and 7 have been revised to reflect 16th and 17th Avenues.

Comment on Response:

Comment has been satisfactorily addressed.



MASTER PLAN NORTH MIAMI FLORIDA REVISION 2011

BOUNDARY OF ACADEMIC VILLAGE OVERLAY DISTRICT